



CRS Report for Congress

Afghanistan: Government Formation and Performance

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Summary

The central government's limited writ and perceived corruption are helping sustain a Taliban insurgency and painting President Hamid Karzai as a weak leader. However, ethnic disputes have been confined to political debate and competition, enabling Karzai to focus on reversing the security deterioration and on his re-election bid in the fall of 2009. See CRS Report RL30588, *Afghanistan: Post-War Governance, Security, and U.S. Policy*, by Kenneth Katzman.

Post-Conflict Political Transition and Political Landscape

U.S. policy has been to support and extend the authority of Afghanistan's President Hamid Karzai and his central government, predicated on the assumption that it is weak or absent governance that cause some in the population to turn to Taliban insurgents as a source of stability and justice. Karzai's is the first fully elected government in Afghan history, although there were parliamentary elections during the reign of King Zahir Shah (the last were in 1969). Presidential, parliamentary, and provincial elections, and adoption of a constitution were part of a post-Taliban transition roadmap established by a United Nations-sponsored agreement of major Afghan factions signed in Bonn, Germany on December 5, 2001, ("Bonn Agreement"),¹ after the Taliban had fallen. (The subsequent political transition process is described in the table at the end of this paper.) The elected Afghan parliament integrates all the various ethnicities and sects, but the cabinet has come to be dominated by ethnic Pashtuns (who are about 42% of the population and traditionally have governed Afghanistan). In an attempt to stabilize Afghanistan, a 46,000 troop NATO-led peacekeeping coalition there, to which the United States provides about 14,500 forces (another 19,000 U.S. troops are under direct U.S. command), sometimes works with local leaders who may buck central government authority, although substantial local autonomy is a typical pattern of Afghan governance.

¹ For text, see [<http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>].

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Many seats in parliament, particularly the elected lower house (*Wolesi Jirga*), are held by personalities and factions prominent in recent wars. The lower house is divided into pro-Karzai, opposition and “independent” deputies that are not strictly organized according to Afghanistan’s 90 registered political parties. Karzai opposes forming his own party, but his support base in the *Wolesi Jirga* includes former members of the hardline conservative Pashtun-based Hizb-e-Islam party; supporters of Abd-i-Rab Rasul Sayyaf (a prominent Islamic conservative *mujahedin* party leader who was defeated for the speakership); and several Karzai clan members including elder brother Qayyum, cousin Jamil Karzai, and relative by marriage, Aref Nurzai. Also pro-Karzai are former militia and Taliban leaders, including Hazrat Ali (Nangarhar Province), who had gained fame for directing the Afghan assault on the Al Qaeda redoubt at Tora Bora during the U.S.-led war; Pacha Khan Zadran (Paktia) who, by some accounts, helped Osama bin Laden escape Tora Bora; Mullah Abdul Salam (“Mullah Rocketi”), from Zabol; and Mohammad Islam Mohammadi, who ran Bamiyan Province during the Taliban’s destruction of the large Buddha statues there in March 2001 (he was assassinated on January 27, 2007).

The “opposition,” led by ethnic minorities (Tajik, Uzbek, and Hazara) of the anti-Taliban “Northern Alliance,” view as a betrayal Karzai’s firing of many of the non-Pashtuns from the cabinet (such as former Foreign Minister Dr. Abdullah Abdullah, dismissed in 2006). However, the faction says its disputes with Karzai will remain political and peaceful. In April 2007, *Wolesi Jirga* Speaker Yunus Qanooni and former Afghan president Burhanuddin Rabbani, both prominent Northern Alliance figures, organized an opposition bloc called the “National Front.” Also in the bloc are both of Karzai’s vice presidents; and some Soviet-era security figures such as Sayed Muhammad Gulabzoi (Khost Province) and Nur ul-Haq Ulumi, who chairs parliament’s defense committee. The bloc advocates amending the constitution to give more power to parliament and to institute selection of governors and mayors by the elected provincial councils rather than by the President. The National Front bloc opposes Karzai’s negotiations with Taliban fighters, which Karzai says is necessary to get them off the battlefield but which the bloc believes is a plan for further Pashtun consolidation.

The opposition to Karzai first showed its strength in March 2006, following the December 19, 2005 inauguration of parliament, by requiring Karzai’s cabinet to be approved individually, rather than *en bloc*, increasing opposition leverage. However, Karzai rallied his support and all but 5 of the 25 nominees were confirmed. One of those defeated was a female nominee for Minister of Women’s Affairs, a post that had always been held by a female since it was established in 2002; this also left Afghanistan without any women ministers. Replacement nominees for those voted down were approved on August 7, 2006. In May 2006, the opposition compelled Karzai to change the nine-member Supreme Court, the highest judicial body, including ousting 74-year-old Islamic conservative Fazl Hadi Shinwari as chief justice. Parliament approved his new Court choices in July 2006, all of whom are trained in modern jurisprudence.

In May 2007, the National Front achieved a majority in parliament to oust Karzai ally Rangin Spanta as Foreign Minister. However, Karzai refused to replace him, instead seeking a Supreme Court ruling that Spanta should remain, on the grounds that his ouster was related to a refugee issue (Iran’s expulsion of 100,000 Afghan refugees), not a foreign policy issue. The Court has, to date, supported Karzai, and Spanta remains in office.

Karzai and the National Front often battle for the support of the many “independent” deputies in the *Wolesi Jirga*. Among them are several outspoken women, intellectuals, and business leaders, such as 35-year-old Malalai Joya (Farah Province), a leading critic of war-era faction leaders. In May 2007 parliament voted to suspend her for this criticism for the duration of her term, but she is challenging the expulsion in court. Others in this camp include Ms. Fauzia Gailani (Herat Province); Ms. Shukria Barekzai, editor of *Woman Mirror* magazine; and Mr. Ramazan Bashardost, a former Karzai minister who champions parliamentary powers. U.S.-based International Republican Institute (IRI) has helped train independents; the National Democratic Institute (NDI) has assisted the more established factions.

Karzai has fewer critics in the *Meshrano Jirga*, partly because of his constitutionally-allotted 34 appointments (one-third of that body). Karzai engineered the appointment as Speaker an ally, Sibghatullah Mojadeddi, a noted Islamic scholar who headed the post-Communist *mujahedin* government for one month (May 1992) and who now heads the effort to reconcile with Taliban figures (Peace and Reconciliation Commission, or “PTSD” program). The deputy speaker is Hamid Gaylani, member of a pro-Karzai family with five members in parliament. Karzai also appointed Northern Alliance military leader Muhammad Fahim, perhaps to compensate for his removal as Defense Minister, although Fahim resigned after only a few months and later joined the National Front. Another Karzai appointment was Taliban-era religious affairs deputy minister Arsala Rahmani. There is one Hindu, and 23 women; 17 of the women are Karzai appointees and 6 were selected in their own right. International human rights organizations criticized the *Meshrano Jirga* on February 3, 2008 for issuing a statement supporting a death sentence against 23 year old journalist Sayed Kambaksh for allegedly distributing material critical of Islam; it later retracted the statement. Kambaksh’s remains in jail pending appeal, Karzai said he would likely pardon him if the sentence is upheld.

On less contentious issues, the executive and the legislature have worked well. Since the end of 2007, parliament has passed a labor law, a mines law, a law on economic cooperatives, and a convention on tobacco control. It also confirmed Karzai nominees for a new Minister of Refugee Affairs, head of the Central Bank, and the final justice to fill out the Supreme Court. Both houses of parliament, whose budgets are controlled by the Ministry of Finance, are staffed by about 275 Afghans, reporting to a “secretariat.” There are 18 oversight committees, a research unit and a library.

Government Performance²

U.S. policy has been to help expand Afghan institutions and to urge adoption of performance criteria based on merit and competence, and not ethnic or factional loyalties. Afghan ministries are growing their staffs and technological capabilities, although still suffering from a low resource and skill base. U.S. officials have generally refrained from criticizing Karzai when, in the interests of political harmony, he has indulged faction

² Some information in this section is from the State Department reports on human rights in Afghanistan for 2007. March 11, 2008 [<http://www.state.gov/g/drl/rls/hrrpt/2007/100611.htm>]; the International Religious Freedom Report, released September 19, 2008. [<http://www.state.gov/g/drl/irf/2007/90225.htm>]; and Defense Department “Report on Progress Toward Security and Stability in Afghanistan.” June 2008

leaders with appointments and tolerated corruption. Karzai argues that compromises with faction leaders and tribes are needed to keep the government intact as he focuses on fighting “unrepentant” Taliban insurgents. However, partly as a result of these compromises, many Afghans are said to be losing faith in the government. Some such as former Coordinator for Counter-Narcotics and Justice Reform Thomas Schweich, in a July 27, 2008 *New York Times* article, have gone so far as to assert that Karzai, to build political support, is deliberately tolerating officials in his government who are allegedly involved in the narcotics trade. The perception has not been altered by Karzai’s decisions in 2007 to empower two Supreme Court chief justice Abdul Salam Azimi and Attorney General Abdul Jabbar Sabit to try to reduce corruption, instill confidence in the justice sector, and enhance government accountability. Karzai also formed an anti-corruption commission. (Karzai fired Sabit on July 16, 2008 after he declared his intention to run against Karzai in 2009 presidential elections.)

Although Karzai is said to remain relatively popular (about 60% support, suggesting some support among non-Pashtuns), his popularity is also being undermined by civilian casualties resulting from U.S./NATO operations. These casualties have caused additional domestic criticism of Karzai as a U.S. “puppet.” Following an August 21, 2008, airstrike that some Afghans said killed 90 civilians (the incident is in dispute) near Herat city, the Afghan cabinet called for bringing foreign forces under Afghan law, replacing an 2001 interim “status of forces agreement” with the coalition. Afghanistan and the United States have agreed to a joint investigation of the incident.

Karzai has marginalized several major regional strongmen but without confronting them to the point where their followers go into armed rebellion. This strategy has allowed Karzai to husband government resources against the Taliban insurgency. However, some have cited Karzai’s recent handling of a prominent member of the National Front, Uzbek leader Abdurrashid Dostam, as evidence of political weakness. Dostam is often referred to as a “warlord” because of his command of partisans in his largely Uzbek redoubt in northern Afghanistan (Jowzjan and Balkh provinces), and he is widely accused of human rights abuses of political opponents in the north. To try to separate him from his militia, in 2005 Karzai appointed him to the post of chief of staff of the armed forces. Karzai similarly curbed prominent Tajik political leader, former Herat governor Ismail Khan, by appointing him Minister of Energy and Water. On February 4, 2008, Afghan police surrounded Dostam’s villa in Kabul in response to reports that his followers attacked and beat an ethnic Turkmen rival, but Karzai has not ordered his arrest for fear of stirring unrest among Dostam’s followers. In February 2007, both houses passed a law giving amnesty to so-called “warlords”; Karzai altered the draft to give victims the right to seek justice for any abuses; Karzai did not sign a modified version in May 2007, leaving the status unclear.

To try to improve local governance, in August 2007 Karzai placed the governor (and district security officials) selection process in a new Independent Directorate for Local Governance (IDLG) — and out of the Interior Ministry. In one high profile move, in March 2008 Karzai removed governor of Helmand Asadullah Wafa for his inability to expand governance or to curb poppy cultivation in that most violent of all provinces; he was replaced by Gulab Mangal, who is from Laghman Province and who the U.N. Office of Drugs and Crime said in an August 2008 report is expected to take effective action against poppy cultivation in the province. That same report said it was partly because of improving governance in some provinces that there are now 18 “poppy free” provinces

(out of 34), up from 13 in the same report in 2007. The governor of Qandahar was changed (to former General Rahmatullah Raufi, replacing Asadullah Khalid) after the August 7, 2008 Taliban assault on the Qandahar prison that led to the freeing of several hundred Taliban fighters incarcerated there. The IDLG also has replaced the governor of Ghazni Province, and at least two other governors are slated to be changed. The governor of Lowgar province was killed in a September 2008 insurgent bombing.

On human rights issues, the overall State Department judgment is that the country's human rights record remains poor, but primarily because of the continuing insurgency, and the weakness of and corruption in the central government. The security forces are widely cited for abuses and corruption, including torture and abuse of detainees. Karzai dropped a July 2006 proposal to revive, although in a far more circumscribed form, a "Ministry of Supporting Virtue and Discouraging Vice," a ministry that was used by the Taliban to commit major abuses against women. In debate over a new press law, both houses of parliament have approved a joint version, but Karzai has vetoed it on the grounds that it gives the government too much control over private media. In the absence of a new law, Afghanistan's conservative Council of Ulema (Islamic scholars) has been ascendant. With the Council's backing, in April 2008 the Ministry of Information and Culture banned five Indian-produced soap operas on the grounds that they are too risqué, although the programs have been restored as of August 2008. This reportedly had a chilling effect on the 40 private radio stations, seven television networks, and 350 independent newspapers that have opened since the Taliban fell. At the same time, press reports say that there are growing numbers of arrests or intimidation of journalists who criticize the central government or local leaders.

The September 2008 International Religious Freedom report says the Afghan government took limited steps during the year to increase religious freedom. Still, members of minority religions, including Christians, Sikhs, Hindus, and Baha'i's, often face discrimination; the Supreme Court declared the Baha'i faith to be a form of blasphemy in May 2007. In October 2007, Afghanistan resumed enforcing the death penalty after a four-year moratorium, executing 15 criminals. Afghanistan was again placed in Tier 2 in the State Department's June 4, 2008, Trafficking in Persons report for 2008 on the grounds that it does not fully comply with minimum standards for the elimination of trafficking in persons. However, the report says it is making significant efforts to do so, including by establishing anti-trafficking offices in the offices of the Attorney General in all 34 provinces.

Funding Issues. USAID has spent about \$440 million (FY2002-2007) to build democracy and rule of law, and assist the elections. A revised request for FY2008 supplemental funding included \$100 million to assist with the presidential elections planned for 2009. For FY2009, \$707 million in Economic Support Funds (ESF) has been requested which will be used in part to enable the Karzai government to "extend the reach of good governance...."

Afghanistan Political Transition Process

Interim Administration	Formed by Bonn Agreement. Headed by Hamid Karzai, an ethnic Pashtun, but key security positions dominated by mostly minority “Northern Alliance.” Karzai reaffirmed as leader by June 2002 “emergency loya jirga.” (A jirga is a traditional Afghan assembly).
Constitution	Approved by January 2004 “Constitutional Loya Jirga” (CLJ). Set up strong presidency, a rebuke to Northern Alliance that wanted prime ministership to balance presidential power, but gave parliament significant powers to compensate. Gives men and women equal rights under the law, allows for political parties as long as they are not “un-Islamic”; allows for court rulings according to Hanafi (Sunni) Islam (Chapter 7, Article 15). Set out electoral roadmap for simultaneous (if possible) presidential, provincial, and district elections by June 2004. Named ex-King Zahir Shah to non-hereditary position of “Father of the Nation;” he died July 23, 2007.
Presidential Election	Elections for President and two vice presidents, for five year term, held October 9, 2004. Turnout was 80% of 10.5 million registered. Karzai and running mates (Ahmad Zia Masud, a Tajik and brother of legendary mujahedin commander Ahmad Shah Masud, who was assassinated by Al Qaeda two days before the September 11 attacks, and Karim Khalili, a Hazara) elected with 55% against 16 opponents. Second highest vote getter, Northern Alliance figure (and Education Minister) Yunus Qanooni (16%). One female ran, got about 1%. Hazara leader Mohammad Mohaqiq got 11.7%; and Dostam won 10%. Funded with \$90 million in international aid, including \$40 million from U.S. (FY2004 supplemental, P.L. 108-106).
Parliamentary Elections	Elections held September 18, 2005 on Single Non-Transferable Vote” System; candidates stood as individuals, not part of party list. Parliament consists of a 249 elected lower house (Wolesi Jirga, House of the People) and a selected 102 seat upper house (Meshrano Jirga, House of Elder). Voting was for one candidate only, although number of representatives varied by province, ranging from 2 (Panjshir Province) to 33 (Kabul Province). Herat has 17; Nangahar, 14; Qandahar, Balkh, and Ghazni, 11 seats each. Target for lower house is 25% women - top two women vote getters per each of 34 provinces. Upper house appointed by Karzai (34 seats, half of which are to be women), by the provincial councils (34 seats), and district councils (remaining 34 seats). Because district elections (400 district councils) were not held, provincial councils selected 68 on interim basis. 2,815 candidates for Wolesi Jirga, including 347 women. Turnout was 57% (6.8 million voters) of 12.5 million registered. Funded by \$160 million in international aid, including \$45 million from U.S. (FY2005 supplemental appropriation, P.L. 109-13).
Provincial Elections/ District Elections	Provincial elections held September 18, 2005, simultaneous with parliamentary elections. Exact powers vague, but now taking lead in deciding local reconstruction Provincial councils size range from 9 to the 29 seats on the Kabul provincial council. 3,185 candidates, including 279 women. According to constitution, provincial governors appointed by Karzai, not by the provincial councils. Some criticize the provincial election system as disproportionately weighted toward large districts within each province. District elections have not been held due to complexity and potential tensions of drawing district boundaries.
Cabinet	Full-term 27 seat cabinet named by Karzai in December 2004. Heavily weighted toward Pashtuns, and created new Ministry of Counter-Narcotics. Rahim Wardak named Defense Minister, replacing Northern Alliance military leader Mohammad Fahim. Qanooni not in cabinet, subsequently was selected <i>Wolesi Jirga</i> Speaker. Northern Alliance figure Dr. Abdullah replaced as Foreign Minister in March 2006 cabinet appointed after parliamentary elections.
Next Elections	Presidential and provincial elections to be held in fall 2009; parliamentary elections in 2010. Karzai said in August 2008 that he is seeking re-election; the two-round election virtually assures victory by a Pashtun. Anti-Karzai Pashtuns attempting to coalesce around one challenger, possibly former Interior Minister Ali Jalali (who resigned in 2005 over Karzai’s compromises with faction leaders), or former Finance Minister and Pashtun hardliner Ashraf Ghani. Former Foreign Minister Dr. Abdullah (Tajik) might run as “Northern Alliance candidate” after Karzai failed to recruit him to run as his first vice presidential running mate. Others in the Northern Alliance faction, Qanooni and Rabbani, reportedly leaning against a run. Other contenders include Dostam; Hazara leader Mohammad Mohaqiq; Ramazan Bashardost (another Hazara); Sabit (Pashtun, mentioned above); and Pashtun monarchist figures Pir Gaylani and Hedayat Arsala Amin. Rumors have abated that U.S. Ambassador to U.N., Afghan-born Zalmay Khalilzad, might himself run, although some say this issue is still open. Karzai’s reported 63% approval rating, suggests re-election is still likely. Each election to cost \$100 million.